

Central Metropolitan

Zone

Minutes

22 June 2023

Central Metropolitan Zone

Hosted by the Town of Claremont

308 Stirling Highway, Claremont - 9285 4300

22 June 2023, commenced at 6:00 pm

Acknowledgement of Country

We, the Zone members acknowledge the continuing connection of Aboriginal people to Country, culture and community. We embrace the vast Aboriginal cultural diversity throughout Western Australia, including Boorloo (Perth), on the land of the Whadjuk Noongar People, where this meeting is being held and we acknowledge and pay respect to Elders past and present.

Minutes

MEMBERS

2 Voting Delegates from each Member Council

Town of Cambridge	Cr Kate Barlow
Town of Claremont	Cr Paul Kelly - Chair Cr Peter Telford
Town of Cottesloe	Cr Helen Sadler Cr Chilla Bulbeck (Deputy)
City of Nedlands	Cr Kerry Smyth Cr Rajah Senathirajah
Shire of Peppermint Grove	Cr Charles Hohnen President Rachel Thomas
City of Subiaco	Cr Lynette Jennings Cr Rosemarie de Vries
City of Vincent	Mr David MacLennan Chief Executive Officer – non-voting delegate
WALGA Secretariat	Mr James McGovern, Manager Governance and Procurement Ms Lucy Sheehy, Coast WA Local Government Facilitator
Guest Speakers	Mr Ben Harvey, Executive Director Heritage Services, Department Planning Lands and Heritage

APOLOGIES

Town of Cambridge	Cr Alaine Haddon-Casey Mr Gary Tuffin, Chief Executive Officer non-voting delegate
Town of Cottesloe	Cr Craig Masarei Mr Matthew Scott, Chief Executive Officer non-voting delegate
Shire of Peppermint Grove	Mr Don Burnett, Chief Executive Officer non-voting delegate

City of Perth	Cr Liam Gobbert Cr Catherine Lezer Ms Michelle Reynolds, Chief Executive Officer non-voting delegate
City of Subiaco	Mr Colin Cameron, Chief Executive Officer - non-voting delegate
City of Nedlands	Mr Bill Parker, Chief Executive Officer, non-voting delegate
Town of Claremont	Ms Liz Ledger, Chief Executive Officer non-voting delegate
Town of Mosman Park	Mayor Paul Shaw Cr Andrew Baird Ms Carissa Bywater, Chief Executive Officer non-voting delegate
City of Vincent	Cr Ashley Wallace

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ANNOUNCEMENTS

Zone Delegates were requested to provide sufficient written notice, wherever possible, on amendments to recommendations within the State Council or Zone agenda prior to the Zone meeting to the Chair and Secretariat.

Agenda Papers were emailed 7 days prior to the meeting date to your Council for distribution to Zone Delegates.

Confirmation of Attendance an attendance sheet was circulated prior to the commencement of the meeting.

ATTACHMENTS WITHIN THE AGENDA

1. Draft Minutes Previous Meeting
2. President's Report
3. Department of Local Government Sport and Cultural Industries May Report
4. Zone Status Report
5. Standing Orders
6. WALGA Draft Submission – BAM Act Review Stage 3

1. DECLARATION OF INTEREST

Elected Members must declare to the Chairman any potential conflict of interest they have in a matter before the Zone as soon as they become aware of it. Councillors and deputies may be directly or indirectly associated with some recommendations of the Zone and State Council. If you are affected by these recommendations, please excuse yourself from the meeting and do not participate in deliberations.

Nil

2. DEPUTATIONS

2.1 Aboriginal Cultural Heritage Act Review

Ben Harvey, Executive Director Heritage Services provided an update to the Zone on the *Aboriginal Cultural Heritage Act*.

2.2 Department of Local Government, Sport and Cultural Industries Representative Update Report

The Department of Local Government, Sport and Cultural Industries representative was an apology for this meeting. An update was provided with the agenda.

Noted

2.3 Zone Request for South West Land and Sea Council

By Chantelle O'Brien, Zone Executive Officer

BACKGROUND

At the February Zone meeting the following was resolved:

RESOLUTION

Moved: Cr Peter Telford

Seconded: Cr Kate Barlow

That the following order of preference for Deputations be arranged for April to November:

- 1. Building Compliance, Bronwyn Weir – further detail on what was presented during a concurrent session of the 2022 WALGA Local Government Convention, and the Department of Local Government, Sport and Cultural Industries on Child Safeguarding.*
- 2. Department of Planning, Lands and Heritage to present on the Aboriginal Cultural Heritage Act Review.*
- 3. South West Aboriginal Land and Sea Council.*
- 4. Cr Helen Sadler and Cr Chilla Bulbeck to present to the Zone on active transport.*

CARRIED

The Secretariat would like to request additional information as to the content on which the Zone would like to receive from the South West Land and Sea Council should they be available to attend the August Zone meeting. This information will be provided within the invitation to request a deputation.

RESOLUTION

Moved: Cr Peter Telford

Seconded: Cr Kate Barlow

That the Whadjuck Aboriginal Corporation CEO Dave Collard be invited to provide a deputation to the Central Metropolitan Zone at the August 2023 meeting with discussion points to include, but not be limited to:

- Discussion on the implications of the Aboriginal Cultural Heritage Act;**
- Role of Local Aboriginal Cultural Heritage Service (LACHS) from a local perspective.**

CARRIED

3. CONFIRMATION OF MINUTES

RESOLUTION

Moved: Cr Rosemary deVries

Seconded: Cr Rajah Senathirajah

That the Minutes of the meeting of the Central Metropolitan Zone held on 20 April 2023 be confirmed as a true and accurate record of the proceedings with the following amendment:

1. Mr Bill Parker, Chief Executive Officer, City of Nedlands be listed as an apology.

CARRIED

5. BUSINESS ARISING

4.1 Zone Status Report

A Status Report outlining the actions taken on the Zone's resolutions is enclosed as an attachment.

Noted

4.2 Update on Advice Sought for Protection of Tree Canopies

Councillor Rachel Thomas, Shire of Peppermint Grove requested an update on WALGA's legal advice on the protection of tree canopies. WALGA secretariat to provide information to the Zone.

SECRETARIAT COMMENT

The procurement of a comprehensive piece of legal advice on tree preservation is a priority of the Local Government Urban Forest Working Group and WALGA for 2023. WALGA has recently appointed McLeod's Lawyers to undertake the work, with draft advice expected in July. WALGA plans to write to all Local Government CEOs in June to seek their interest to 'buy-in' to the legal advice for a nominal sum. Once the advice is finalised WALGA will host a briefing session on the findings for all participating Local Governments

Noted

5. STATE COUNCIL AGENDA - MATTERS FOR DECISION AND NOTING

(Zone delegates to consider the Matters for Decision and Items for Noting contained in the WA Local Government Association State Council Agenda and put forward resolutions to Zone Representatives on State Council)

The full State Council Agenda can be found via link: [State Council Agenda 5 July 2023](#)

The Zone is able to provide comment or submit an alternative recommendation that is then presented to the State Council for consideration.

Matters for Decision

7.1 Review of Urban Forest Advocacy Position

That WALGA endorse a new Advocacy Position 4.6 Urban Forest as follows:

To promote the growth of Western Australia's urban forest the State Government should:

1. Identify a lead agency with responsibility for setting the strategic direction and oversight of urban forest initiatives.
2. In consultation with Local Government:
 - a. Develop an Urban Forest Strategy, based on the overarching principles of a resilient, connected, expanded and equitable urban forest including:
 - i. an overall tree canopy target for the Perth and Peel regions,
 - ii. robust and contemporary data to inform decision making,
 - iii. funding mechanisms to support growth in urban canopy.
 - b. Develop contemporary legislative and policy mechanisms to enable the protection and growth of urban forest, including:
 - i. an effective and efficient regulatory mechanism that allows Local Government to consider the removal or alteration of a significant tree as a form of development.
 - ii. prioritisation of trees and vegetation as a key structural element in the design of new neighbourhoods to facilitate climate resilient and liveable communities.
 - iii. consideration of public realm design to maximise opportunities for tree retention and new planting consistent with any tree canopy targets.
3. Work with Local Government and other stakeholders to increase community awareness and promote behaviour change in relation to urban forest growth and retention to support State and Local Government targets and action.
4. Provide recurrent funding for a comprehensive and accessible Urban Greening Grant program to support Local Government investment in public realm planting, focusing on high urban heat areas and enhancing biodiversity outcomes.

7.2 State Planning Policy 3.7 Bushfire

That WALGA endorse the submission on *State Planning Policy 3.7 Bushfire* and the *Planning for Bushfire Guidelines*.

7.3 Reforming WA Disability Legislation Submission

That WALGA endorse the submission to the Department of Communities relating to the *Consultation Paper – Reforming WA Disability Legislation*.

7.4 Landfill Bans Advocacy Position

That WALGA endorse the following Landfill Ban Advocacy Position:

Landfill bans are not supported in the absence of effective product stewardship schemes, or other funding mechanisms, for products which would be subject to the ban.

7.5 Audit Experience Survey Results Summary and Advocacy Position

That:

1. State Council note the Audit Experience Survey Results Summary; and
2. WALGA advocate to the Office of the Auditor General (OAG) to reform the audit process for Local Governments by seeking:
 - a. Audits of Local Governments are completed and reported on in a timely manner and that the processes, procedures and scope of audits are consistently applied.
 - b. That the OAG review the requirements for pre-audit information with a view to reducing the need for additional information where possible;

- c. That the OAG review their costing formulae for Local Government audits and show constraint in audit cost increases;
- d. That the OAG provide a breakdown on the cost of the audit and justification for any variance to the estimate to the Local Government as part of the final billing process;
- e. That auditors be required to improve their communication and information management and avoid repeated requests for information that has already been provided;
- f. That Local Governments only be required to communicate with contract Auditors (*unless the OAG is directly auditing the Local Government*) and the onus be placed on the contract Auditors to confirm their advice with the OAG before instructing the Local Government; and
- g. In-conjunction with the Department of Local Government, Sport and Cultural Industries, review the application of Fair Value principles in the context of the audit.

7.6 Amendments to WALGA's Constitution

That State Council endorse putting two items to the 2023 Annual General Meeting that:

- 1. propose a new Constitution to give effect to the alternate governance model as per the attached; and
- 2. amend the Constitution to retain the current governance model with necessary changes, as per the attached mark-up.

RESOLUTION

Moved: Cr Helen Sadler
 Seconded: President Rachel Thomas

That the Central Metropolitan Zone supports items 7.2, 7.3, 7.5, 7.6 as listed in the July 2023 State Council Agenda.

CARRIED

RESOLUTION

Moved: Cr Chilla Bulbeck
 Seconded: President Rachel Thomas

That the Central Metropolitan Zone in relation to State Council item 7.1 move the following amendment:

To promote the growth of Western Australia's urban forest the State Government should:

- 1. *Identify a lead agency with responsibility for setting the strategic direction and oversight of urban forest initiatives.*
- 2. *In consultation with Local Government:*
 - a. *Develop an Urban Forest Strategy, based on the overarching principles of a resilient, connected, expanded and equitable urban forest including:*
 - iv. an overall tree canopy target of 30% by 2040 for the Perth and Peel regions,*
 - v. robust and contemporary data to inform decision making,*
 - vi. funding mechanisms to support growth in urban canopy.*
 - b. *Develop contemporary legislative and policy mechanisms to enable the protection and growth of urban forest, including:*

- iv. *an effective and efficient regulatory mechanism that allows Local Government to consider the removal or alteration of a significant tree as a form of development.*
- v. *prioritisation of trees and vegetation as a key structural element in the design of new neighbourhoods to facilitate climate resilient and liveable communities.*
- vi. *consideration of public realm design to maximise opportunities for tree retention and new planting consistent with any tree canopy targets.*
- 3. *Work with Local Government and other stakeholders to increase community awareness and promote behaviour change in relation to urban forest growth and retention to support State and Local Government targets and action.*
- 4. *Provide recurrent funding for a comprehensive and accessible Urban Greening Grant program to support Local Government investment in public realm planting, focusing on high urban heat areas and enhancing biodiversity outcomes.*

CARRIED

RESOLUTION

Moved: Cr Helen Sadler
 Seconded: Cr Rajah Senathirajah

That the Central Metropolitan Zone in relation to State Council item 7.4 move the following amendment:

That WALGA endorse the following Landfill Ban Advocacy Position

Landfill bans are only supported in the presence of effective product stewardship schemes or other funding mechanisms, for products which would be subject to the ban.

WALGA supports the development of effective product stewardship schemes or other funding mechanisms that increase resource recovery from waste.

CARRIED

RESOLUTION

Moved: Cr Helen Sadler
 Seconded: Cr Chilla Bulbeck

That the Central Metropolitan Zone notes all Policy Team and Committee Reports, Matters for Noting and Organisational Reports as listed in the July 2023 State Council Agenda.

CARRIED

6. ZONE BUSINESS

6.1 Review of the Biosecurity and Agriculture Management Act 2007: Stage 3 Review

By Rebecca Brown, Manager Environment and Waste

Executive Summary

- Consultation for Stage 3 of the review of the Biosecurity and Agriculture Management Act 2007 (BAM Act) has commenced, with feedback sought on potential biosecurity reform opportunities.
- WALGA has developed a draft Submission for sector feedback by 26 June.

- Zones are asked to consider and provide feedback on the proposals in the discussion paper and WALGA's draft Submission.
- Local Governments are also strongly encouraged to provide feedback directly to the Review Panel via the online portal by 30 June 2023.
- Local Governments are invited to attend a WALGA webinar on the proposed reforms, which will include a presentation from the Chair of the Independent BAM Act Review Panel, Kaylene Gulich, at 10.30am, Wednesday 14 June.

Background

The first 10-year [statutory review](#) of the [Biosecurity and Agriculture Management Act 2007](#) (BAM Act) is currently underway; this is a key opportunity for Local Government to influence the how post-border biosecurity is managed in Western Australia. The [Independent Panel](#) undertaking the review, is using a three-stage engagement process.

Stage 1 (closed) - Used open submissions and a survey to identify major themes and issues. To inform comment on this stage of the review WALGA prepared a [Discussion Paper](#) which includes 11 key biosecurity themes and related recommendations reflecting issues raised by Local Government, and those identified in the [Auditor General's 2013 and 2020 Reports](#).

Stage 2 (closed) - Stage 1 identified the key themes and stage 2 provided an opportunity to focus on these issues, which included:

- principles to underpin WA's biosecurity, including biosecurity in all contexts and shared responsibility.
- legal foundations of WA's biosecurity, including prioritising pests, weeds and diseases, and enabling industry and community action.
- planning, coordinating and resourcing WA's biosecurity system, including responsibilities and timing.
- community-led pest and weed management, including the Declared Pest Rate and Recognised Biosecurity Groups.

Stage 3 – (now open) A [Discussion Paper](#) sets out nine priority reform areas, and identifies 21 opportunities to clarify, strengthen and support a strengthened biosecurity system in WA. The nine priority reform areas are:

1. Clarifying the role of the BAM Act
2. Working together to protect WA
3. Planning and reporting- vital to a better biosecurity system
4. Prioritising pests and diseases
5. Emergency powers- a necessary precaution
6. Compensation can boost biosecurity efforts
7. Enabling industries to act
8. Community-led pest management
9. Compliance with WA's biosecurity laws.

Policy Implications

[4.5 Post Border Biosecurity](#)

Western Australia's economy, environment and the community are facing increasing challenges posed by already established and new pests, weeds and diseases. Local Government has a significant role in biosecurity management, as land managers and regulators, and therefore has an interest in ensuring that Western Australia's biosecurity system, including control of declared pests, is effective and appropriately resourced. WALGA considers significant changes to the operation of the State's biosecurity system, including the Biosecurity and Agriculture Management Act 2007, are required to ensure these risks can be managed now and into the future.

To be effective the Western Australian biosecurity system must:

1. *Take a transparent approach to the notion of 'shared responsibility' by ensuring that:*

- a. *The respective roles and responsibilities of Commonwealth, State and Local Government, industry, landholders, community groups and individuals are agreed and clearly articulated; and*
- b. *There is improved pest management on State Government managed land and a formalised structure for State Government agencies with responsibilities for biosecurity management to work together and coordinate their activities.*
2. *Be underpinned by a strategic framework, developed in collaboration with stakeholders, that:*
 - a. *Establishes priorities for biosecurity threats in geographically defined regions, sets measurable targets and guides investment in biosecurity activities; and*
 - b. *Is regularly evaluated and reported on.*
3. *Have a greater focus on environmental biosecurity, through the increased recognition and management of pest species that have significant ecological impacts.*
4. *Be adequately, sustainably and equitably funded:*
 - a. *The appropriateness and effectiveness of the Declared Pest Rate (DPR) and Recognised Biosecurity Group (RBG) model as key mechanisms for the management of widespread and established declared pests should be reviewed and alternate mechanisms considered;*
 - b. *Increased and more equitable distribution of funding for every step in the biosecurity continuum and adequate resourcing for all stakeholders, including Local Government; and*
 - c. *The provision of funding for declared pest management in metropolitan areas.*
5. *Ensure that the criteria and process for listing of declared pests is evidence-based, timely and transparent.*
6. *Have an increased emphasis on compliance through education and enforcement activity, to ensure land managers are aware of their legislative responsibilities and are supported to implement biosecurity actions.*
7. *Facilitate the use of new technologies, strategic monitoring, and the establishment of data management systems to inform biosecurity investment decisions and support adaptive management.*
8. *Improve the community's understanding, awareness and action in relation to biosecurity to assist with threat surveillance and timely response to incursions.*

Comment

WALGA has developed a Draft Submission (**attached**) for consideration by the sector and is requesting feedback by **COB Monday 26 June** (via environment@walga.asn.au). WALGA is hosting a webinar regarding Stage 3 of the Review, at 10.30am, Wednesday 14 June, with a presentation from the Chair of the Independent Review Panel, Kaylene Gulich. Register [here](#).

WALGA requests that the Zone consider the Draft Submission and provide feedback to WALGA on:

- The top priority reform areas (from the nine listed) for the Zone
- Any key reform areas which have been missed
- Feedback on WALGA's comments regarding the 21 Opportunities identified.

Local Governments are strongly encouraged to provide feedback directly to the Review Panel by Friday, 30 June 2023 through the online survey portal [here](#).

Noted

7. OTHER BUSINESS

Nil

8. EXECUTIVE REPORTS

8.1 President's Report to the Zone

WALGA Deputy President, Cr Paul Kelly presented the President's Report.

Noted

8.2 State Councillor's report to the Zone

WALGA State Councillor presented on the previous State Council meeting.

Noted

9. DATE, TIME AND PLACE OF NEXT MEETING

The next ordinary meeting of the Central Metropolitan Zone is scheduled to be held on 24 August 2023 at the Town of Cottesloe, commencing at 6:00 pm.

10. CLOSURE

There being no further business the Chair declared the meeting closed at **7.52pm**.